



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

**SEP 12 2001**

DOT-E 12768

EXPIRATION DATE: <b>July 31, 2003</b>
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BOC Gases  
Murray Hill, NJ
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in commerce of certain Division 2.2 gases in DOT specification 105S500W tank cars with a maximum gross weight on rail greater than 263,000 pounds but not greater than 286,000 pounds. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a) in that marking the exemption number on shipping papers is waived and § 179.13 in that the gross weight of a DOT-specification tank car may not exceed 263,000 pounds, except as specified herein.
5. BASIS: This exemption is based on the application of BOC Gases dated October 16, 2000 and supplementary information dated June 14, 2001, submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Carbon dioxide, refrigerated liquid	2.2	UN2187	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT Specification 105S500W tank cars constructed under Certificate of Construction number L006093A. Each tank must conform to the Association of American Railroads Standards S-259, dated November 1994, and the following requirements:

Betterments	Type of Features
Puncture Resistance	Head protection thickness 0.7874 in (TC 128) Head and shell thickness 0.7874 in (TC 128, Grade 70) Metal jacket and insulation
Controlling Longitudinal Loadings	Cardwell Westinghouse Mark 50
Structural Worthiness	Trinity Type 23 (full) underframe having a one million mile fatigue life calculated by applying an overall loading factor of 1.09
Track Worthiness	S-2-HD trucks
Pressure Relief Device	Reclosing pressure relief device
Service Equipment Protection	Each tank must have a protective housing in conformance with § 179.100-12(c)
Maintenance Program	See paragraph 8(e)

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b. OPERATIONAL CONTROLS - Each tank may be loaded to a maximum gross weight on rail not to exceed 286,000 pounds, provided that the tank is not loaded in excess of the amount authorized per § 173.24b.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each tank car must meet the Association of American Railroads (AAR) Standard S-259, dated January 5, 1995, and may be operated only under controlled interchange conditions, as specified in the AAR Interchange Rules. Transit routes shall be agreed to, in writing, by participating railroads. The written acceptance shall be submitted to the Associate Administrator for Hazardous Materials Safety (AAHMS) at the address specified at the end of this exemption prior to the first offering on each route.

d. The shipping paper requirement of § 172.203(a) is waived.

e. The applicant must file a copy of their complete maintenance program (see Appendix U of the Association of American Railroads Manual of Standards and Recommended Practices, M-1002, dated January, 1996) for any car operating under the terms of this exemption. The program must be filed with the Federal Railroad Administration, at the address indicated in paragraph 10 prior to offering a tank car under the terms of this exemption.

f. MARKING - Each tank car operating under the terms of this exemption must be marked "DOT-E 12768" in four inch letters and numerals on a contrasting background above the DOT Specification number.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

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10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement by contacting the:

Federal Railroad Administration  
Hazardous Materials Division  
RRS-12, Mail Stop 25  
1120 Vermont Avenue, N.W.  
Washington, D.C. 20590  
(202) 493-6229 or 493-6247

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous  
Materials Safety, Research and Special Programs Administration,  
Department of Transportation, Washington, D.C. 20590.  
Attention: DHM-31.

The original of this exemption is on file at the above office.  
Photo reproductions and legible reductions of this exemption are  
permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S.  
Department of Transportation, 400 7th Street, S.W., Washington, DC  
20590-0001, Attention: Records Center, 202-366-5046.

PO: Kasey(FRA)/KFW